

Notice of Allowability

Application No.

09/832,512

Examiner

Raymond S Dean

Applicant(s)

VALDIVIA ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to September 30, 2004.
2. ☒ The allowed claim(s) is/are 1 - 11, 13 - 22, 24 - 33, 35, 36 - 45, and 47 - 57.
3. ☒ The drawings filed on 11 April 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Allowable Subject Matter

1. The following is an examiner's statement of reasons for allowance:

Regarding Claim 1, Montpetit teaches a method of managing system capacity of a communication system, the method comprising: receiving a predetermined profile of a terminal that is served by the communication system, the predetermined profile including service class information and rate information (Column 4 lines 61 – 64, Column 5 lines 62 – 67, Column 6 lines 1 – 2, Column 7 lines 64 – 67, Column 8 lines 1 – 5, Column 8 lines 31 - 40); generating a capacity plan based upon the predetermined profile (Column 6 lines 56 - 61); and configuring a remote processor according to the capacity plan, the remote processor being configured to process bandwidth request messages from the terminal and to selectively allocate bandwidth to the terminal in response to the bandwidth request messages (Column 9 lines 40 - 45).

Jacobson teaches the method of receiving system capacity resource configuration data that reflect capacity requirements of a service provider and generating a capacity plan based upon said capacity resource configuration (Column 8 lines 33 – 39).

The prior art of record, however, fails to teach or show, partitioning the system capacity based upon capacity requirements of a plurality of network service providers, a portion of the system capacity being designated as a shared capacity pool among the network service providers and another portion of the

system capacity being dedicated to one of the network service providers and generating a capacity plan based upon said partitioned system capacity. Claims 2 – 3, 7, and 11 depend on Claim 1, Claim 4 depends on Claim 3, Claims 5 – 6 depend on Claim 4, Claims 8 and 10 depend on Claim 7, Claim 9 depends on Claim 8 therefore examiner gives same reason as set forth above.

Regarding Claim 13, Montpetit teaches managing system capacity of communication system, comprising: a service provider interface configured to receive a predetermined profile of a terminal that is served by the communication system (Column 5 lines 6 - 10); and generating a capacity plan based upon the predetermined profile that includes service class information and rate information (Column 5 lines 62 – 67, Column 6 lines 1 – 2, Column 6 lines 56 – 61, Column 7 lines 64 – 67, Column 8 lines 1 – 5, Column 8 lines 31 - 40), wherein a remote processor is configured according to the capacity plan, the remote processor being configured to process bandwidth request messages from the terminal and to selectively allocate bandwidth to the terminal in response to the bandwidth request messages (Column 9 lines 40 - 45).

Jacobson teaches a communication hub (Column 8 lines 33 – 39), an operator interface configured to receive system capacity resource configuration data that reflect capacity requirements of a service provider (Column 8 lines 33 – 39), a computer system communicating with the operator interface (Column 8 lines 33 – 39).

The prior art of record, however, fails to teach or show, partitioning the system capacity based upon capacity requirements of a plurality of network service providers, a portion of the system capacity being designated as a shared

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capacity pool among the network service providers and another portion of the system capacity being dedicated to one of the network service providers and generating a capacity plan based upon said partitioned system capacity. Claims 14, 18, and 22 depend on Claim 13, Claim 15 depends on Claim 14, Claims 16 – 17 depend on Claim 15, Claims 19 and 21 depend on Claim 18, Claim 20 depends on Claim 19 therefore examiner gives same reason as set forth above.

Regarding Claim 24, Montpetit teaches a satellite communications system for providing communication services to a region, comprising: a terminal located within the region and configured to transmit and receive signals over a satellite having a payload that processes the signals (Column 4 lines 61 – 64, Column 9 lines 40 – 45), the terminal having a predetermined profile that includes service class information and rate information (Column 5 lines 62 – 67, Column 6 lines 1 – 2, Column 6 lines 56 – 61, Column 7 lines 64 – 67, Column 8 lines 1 – 5, Column 8 lines 31 - 40), transmitting configuration information to the payload of the satellite, wherein the terminal is configured to transmit a bandwidth request message to the payload (Column 9 lines 40 – 45), the payload selectively allocating bandwidth in response to the request message based upon the configuration information (Column 9 lines 40 – 45, Column 11 lines 43 – 48).

Jacobson teaches a hub configured to receive system capacity resource configuration data that reflect capacity requirements of a service provider and to determine partitioning of system capacity over the region based upon the system capacity resource configuration data (Column 8 lines 33 – 39).

The prior art of record, however, fails to teach or show, partitioning the system capacity based upon capacity requirements of a plurality of network service providers, a portion of the system capacity being designated as a shared capacity pool among the network service providers and another portion of the system capacity being dedicated to one of the network service providers. Claims 25 – 29, 33, and 35 depend on Claim 24, Claims 30 and 32 depend on Claim 29, Claim 31 depends on Claim 30 therefore examiner gives same reason as set forth above.

Regarding Claim 36, Montpetit teaches a satellite communications system for providing communication services, the system comprising: means for receiving a predetermined profile of a terminal that is served by the communication system, the predetermined profile including service class information and rate information (Column 4 lines 61 – 64, Column 5 lines 62 – 67, Column 6 lines 1 – 2, Column 7 lines 64 – 67, Column 8 lines 1 – 5, Column 8 lines 31 - 40); means for generating a capacity plan based upon the predetermined profile (Column 6 lines 56 - 61); and means for configuring a remote processor according to the capacity plan, the remote processor being configured to process bandwidth request messages from the terminal and to selectively allocate bandwidth to the terminal in response to the bandwidth request messages (Column 9 lines 40 - 45).

Jacobson teaches a means for receiving system capacity resource configuration data that reflect capacity requirements of a service provider and generating a capacity plan based upon said capacity resource configuration (Column 8 lines 33 – 39).

The prior art of record, however, fails to teach or show, partitioning the system capacity based upon capacity requirements of a plurality of network service providers, a portion of the system capacity being designated as a shared capacity pool among the network service providers and another portion of the system capacity being dedicated to one of the network service providers. Claims 37 – 41 and 45 depend on Claim 36, Claims 42 and 44 depend on Claim 41, Claim 43 depends on Claim 42 therefore examiner gives same reason as set forth above.

Regarding Claim 47, Montpetit teaches receiving a predetermined profile of a terminal that is served by the communication system, the predetermined profile including service class information and rate information (Column 4 lines 61 – 64, Column 5 lines 62 – 67, Column 6 lines 1 – 2, Column 7 lines 64 – 67, Column 8 lines 1 – 5, Column 8 lines 31 - 40); generating a capacity plan based upon the predetermined profile (Column 6 lines 56 - 61); and configuring a remote processor according to the capacity plan, the remote processor being configured to process bandwidth request messages from the terminal and to selectively allocate bandwidth to the terminal in response to the bandwidth request messages (Column 9 lines 40 - 45).

Jacobson teaches a computer-readable medium carrying one or more sequences of one or more instructions for managing system capacity of a communication system, the one or more sequences of one or more instructions which, when executed by one or more processors, cause the one or more processors to perform (Column 8 lines 33 – 39, the management component runs on a Windows NT workstation thus there is an inherent computer-readable medium) and receiving system

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capacity resource configuration data that reflect capacity requirements of a service provider and generating a capacity plan based upon said capacity resource configuration (Column 8 lines 33 – 39).

The prior art of record, however, fails to teach or show, partitioning the system capacity based upon capacity requirements of a plurality of network service providers, a portion of the system capacity being designated as a shared capacity pool among the network service providers and another portion of the system capacity being dedicated to one of the network service providers and generating a capacity plan based upon said partitioned system capacity. Claims 48 – 49, 53, and 57 depend on Claim 47, Claim 50 depends on Claim 49, Claims 51 – 52 depend on Claim 50, Claims 54 and 56 depend on Claim 53, Claim 55 depends on Claim 54 therefore examiner gives same reason as set forth above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond S Dean whose telephone number is 703-305-8998. The examiner can normally be reached on 7:00-3:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Raymond S. Dean
February 10, 2005



NAY MAUNG

SUPERVISORY PATENT EXAMINER